



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
LAKE OR STREAMBED ALTERATION PROGRAM



Information Regarding Emergency Work

Fish and Game Code section 1610 exempts certain types of emergency work from the notification requirement in section 1602. Specifically, notification is not required before beginning any of the following emergency work:

- 1) immediate emergency work necessary to protect life or property;
- 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and/or
- 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as defined in Vehicle Code section 360, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.

Although notification is not required **before** beginning the emergency work, the Department must be notified in writing within 14 days **after** the work begins ("emergency notification"). The notification requirement can be met by completing and submitting the attached Emergency Notification form to the Department regional office that serves the county where the emergency work occurs.

If the Department does not receive the emergency notification within 14 days after the work begins, or the work did not constitute emergency work, the entity responsible for the work may be subject to criminal or civil prosecution. Hence, it is important that the work meets the definition of "emergency."

"Emergency" means "a **sudden, unexpected** occurrence, involving a clear and imminent danger, demanding **immediate** action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code section 21060.3 (emphasis added)). See also Fish and Game Code section 1601, subdivision (c).

Although emergency work is exempt from the notification requirement in Fish and Game Code section 1602, the entity responsible for completing the emergency work must comply with other applicable local, state, and federal laws, including other provisions in the Fish and Game Code, such as section 5650 (prohibiting the discharge or release of deleterious substances or materials) and section 5901 (prohibiting the construction or maintenance of any device or contrivance that prevents or impedes fish passage).

The Department recommends that emergency work be conducted in accordance with the guidelines below to minimize impacts to fish and wildlife resources.

- 1) The person(s) completing the emergency work should prevent raw cement, concrete, or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substance which can be deleterious to aquatic life from contaminating soil and/or entering a river, stream, lake or other waters of the state. (See Fish and Game Code section 5650.)
- 2) The person(s) completing the emergency work should minimize the disturbance or removal of vegetation in completing the work.